to drum up this movement," she says. "It's not smokers sitting down and saying: 'I've had enough of this. I'm going to organize.'"[4]

Glantz, who is a researcher at the Institute for Health Policy Studies at UC-San Francisco, agrees. "What the smokers' rights group really represents," Glantz says, "is the smoking industry organizing its victims to protect its profits."[5]

The American Smokers Alliance serves as a link for the hundreds of "grass-roots" smokers' rights groups. Headquartered in Johnson City, Tennessee, the Alliance was created in 1988 and has been fairly successful in maintaining a degree of coherence among its member organizations.

One such organization, the Smokers' Rights Alliance (SRA), insists that its sole support comes from "members." But according to an expert on the tobacco industry (who wishes to remain anonymous), SRA president Dave Brenton is closely connected to the industry and his group has received money from at least two of the larger tobacco companies. And a call to another group, Smokers' Rights, yielded a response from R.J. Reynolds itself.

"Thank you for calling R.J. Reynolds Tobacco Company," the letter stated. "We always enjoy hearing from our valued supporters. . .If one group is allowed to totally impose its will on another group, our individual freedoms might be in great danger. The issue is individual freedom. Today, it's our right to smoke. What might it be tomorrow? Best wishes from all of us here at R. J. Reynolds."

Other such groups include People United For Friendly Smoking (PUFFS), Tobacco Users Fight for Fairness (TUFF), United Smokers of America, the Great American Smokers' Club, and the Tobacco Action Network. While each of these groups insists on their legitimacy as a grass-roots group, connections have repeatedly been made between their leaders and the tobacco giants. For example, Sidney and Dean Overall, the co-presidents of PUFFS, admitted on WIOD in Miami that the Tobacco Institute promised to hire them as a "public relations firm" if they vehemently advocated the tobacco industry's right to advertise.

"They were ineffective after that," says Ahron Leichtman, executive director of Citizens for a Tobacco Free Society. "People called them fronts for the tobacco industry."[6]

With its $30 million annual budget, the Tobacco Institute, which is wholly supported by the industry, has joined Philip Morris, R.J. Reynolds, and the other tobacco companies in putting forth a "smokers' rights" agenda. One group, the Tobacco Action Network, lists the same phone number as the Institute itself. Though the major tobacco companies continue to perpetrate the "smokers' rights" charade, pouring millions of dollars into these "grass-roots" groups, they are slowly losing their footing.

At the international SMOKEPEACE '90 conference held in Helsinki, Finland, Philip Morris and Rothman's, the event's sponsors, put forth the Smokers' Declaration. "Smoking is a human right," the declaration said, "and should be respected according to the Declaration of Human Rights of the United Nations."[7]

But Florida state senator Jeanne Malchon disagrees. She is disturbed by the fact that cigarette smoking kills 434,000 each year -- more than alcohol, illicit drugs, guns, car accidents, and AIDS combined. "The choice to be a smoker," she says, "is no more a civil right than the right to be an alcoholic or to sniff cocaine. Nicotine is an addictive drug."[8]

Notes

1. "Pro and Con," by Alyson Pytte. *Congressional Quarterly*, May 19, 1990, p. 1543.

2. "T.I.'s Smokers' Rights," *Americans for Nonsmokers' Rights Update*, Winter 1990, p. 8.

3. Ibid.

4. Pytte, p. 1543.

5. "Smoke Screen Clouds Tobacco Industry Action," by Jan Ferris. *Contra Costa Times*, June 23, 1991.

6. Telephone interview with Ahron Leichtman, Executive Director, Americans for a Tobacco Free Society, July, 1991.

7. Americans for Nonsmokers' Rights Update, p. 8.

8. "Lighting Up Becomes Battle Over Civil Rights," *Miami Herald*, April 6, 1991.

AMERICAN TORT REFORM ASSOCIATION

"People who hear an expert speaking from the American Tort Reform Association won't know that they're made up of business organizations that are being hit with product liability suits. They won't know that they get their funding from these business organizations. And they won't know that the reforms that they're pushing are intended to be pro-business and reduce the ability of consumers to sue."

-- Joseph Belluck, researcher for the Center for the Study of Responsive Law[1]

In 1978, a California jury voted to slap the Ford Motor Company with a $125 million punitive damage judgement, one of the largest such judgements in history. (The punitive award was later cut down to $3.5 million.) The jury's decision was intended to punish Ford for marketing what one juror called "a lousy and unsafe product" -- the Ford Pinto. Because of its fault design, the Pinto was responsible for thousands of deaths and burn injuries, and the punitive fine was intended to deter Ford and other major corporations from marketing shoddy and unsafe products in the future.[2]

Ford had engaged in an interesting process in deciding whether or not to recall the faulty Pintos years before the California trial. As trial lawyer Stuart Speiser describes in his book *Lawsuit*,

> Using government statistics, Ford figured that the cost of a human death was $200,000, a burn injury $67,000, and an incinerated auto, $700. At 180 burn deaths, 180 serious burn injuries and 2,100 burned vehicles per year, Ford figured that [Federal Motor Vehicle Safety Standard 301], if implemented, would save $49.5 million per year (180 x $200,000) + (180 x $67,000) + (2,100 x $700). But the costs of saving these lives and burn injuries was, according to Ford, prohibitive. Ford figured that to fix each Pinto so it wouldn't explode when rear-ended at 30 mph or less would cost the company $11 per auto and truck, or $137.5 million ($11 x 11,000,000 + $11 x 1,500,000).[3]

What Ford could not factor into its equation, however, was the punitive damage that it could be forced to pay for selling the faulty Pinto. Because punitive damages are unable to be predicted, and in many states have no limit, many people feel that they keep corporations honest and force them to avoid a "Ford Pinto" calculation.

The organization created by big business to destroy punitive damages is the American Tort Reform Association (ATRA). ATRA represents about 370 corporations, trade associations, and professional societies including Dow Chemical, Eli Lilly, GE, Exxon, Pfizer, Monsanto, Union Carbide, Aetna, the Chemical Manufacturers Association, the National Association of Manufacturers, the Society of the Plastics Industry, and the U.S. Business and Industrial Council.[4] The group's president, Martin Connor, is a former Public Affairs Counsel for General Electric. ATRA was created in 1986 to push for state "tort reform" on issues such as punitive damages, non-economic damages, joint and several liability, periodic payments

RESTAURANTS FOR A SENSIBLE VOLUNTARY POLICY

"The Rudy Coles of the world are waging a very-well thought out campaign. But the tide is irreversible."

-- Ron Beagley, a Walnut Creek, California, councilman who sponsored the city's 1991 ban on smoking, on the attempts of tobacco industry-supported lobbyists to stop the anti-smoking crusade[1]

Rudy Cole is not a restaurant owner. Yet he has spent the last four years working adamantly against smoking bans in California's restaurants. In 1987, for example, Cole founded the Beverly Hills Restaurant Association to oppose a smokefree ordinance banning cigarette smoking in restaurants. Cole's newest venture is called Restaurants for a Sensible Voluntary Policy (RSVP), which he founded in 1990 to defeat a similar ordinance in Los Angeles.

"Why is Cole so interested in restaurants?" one might ask. The answer is simple. He's not.

Cole and RSVP are directly funded by the Tobacco Institute, according to Americans for Nonsmokers' Rights (ANR). Cole has worked extensively with the tobacco industry in the past to fight growing anti-smoking legislation which could eventually cost Philip Morris, R.J. Reynolds and other tobacco companies millions of dollars in lost revenues. His group receives money from the industry, fights for the industry, and yet continues to insist on his legitimacy as an "independent consultant." Yet according to Ahron Leichtman, executive director of Citizens for a Tobacco Free Society, Cole's tactics are often questionable.

Leichtman is an expert on the tobacco industry and has appeared on countless media programs including "Crossfire" and "The Larry King Show." When CBS in California invited him to appear on a program called "Harvey in the Lion's Den," Leichtman asked about the format of the show. He was told that the show's host, Harvey Levin, debates six colleagues who are all on the "same side" of a given issue -- in this case, anti-smoking legislation. Leichtman asked who his five "peers" would be. Rudy Cole was one of them. Leichtman suspects that Cole, in posing as a supporter of antismoking legislation on the program, was attempting to sabotage the debate, in which Leichtman refused to participate.[2]

As president of RSVP, Cole has used other questionable tactics in fighting for the tobacco industry. He claimed in 1990 that his organization represented 1,000 Los Angeles restaurants, but according to ANR, RSVP listed only 440 restaurants on its membership list. Of these, 20 percent were reported not to be members of the group, while another 12 percent were actually in favor of a smokefree ordinance. The few restaurants that had actually donated money gave "small contributions," according to ANR.[3]

Cole's claims of independence from the tobacco industry are also questionable. RSVP's law firm, Manatt, Phelps, Rothenberg and Phillips, is the same firm used by the Tobacco Institute and was used by the Beverly Hills Restaurant Association. Furthermore, RSVP's public relations firm, Ogilvy and Mather, is also used by the Tobacco Institute.[4]

Notes

1. "Group Denounced as Front for Auto Insurers," by Mark Bryant. *Arizona Daily Star*, November 10, 1989, p. A2.

2. Telephone interview with Jim Roush, July, 1991.

3. Citizens Against No-Fault document, on file with the authors.

4. Ibid.

5. Ibid.

6. "The Voice of Experience Says No Fault Insurance Offers No Justice," by James Achenbach. Publication unknown, on file with the authors.

7. "New Start's Consumer Choice is a Bad Choice," published by Public Citizen. On file with the authors.

8. Citizens Against No-Fault document.

9. Ibid.

10. Ibid.

11. "Group Denounced as Front for Auto Insurers," Bryant.

12. Telephone interview with Roush.

13. Telephone interview with Roush.

Notes

1. "Smoke screen clouds tobacco industry action," by Jan Ferris. *Contra Costa Times*, June 23, 1991.

2. Telephone interview with Ahron Leichtman, July, 1991.

3. Americans for Nonsmokers' Rights fact sheet, on file with the authors.

4. Ibid.

5. "Smoke screen clouds tobacco industry action," by Ferris.

6. Ibid.

7. Telephone interview with Leichtman.

8. "Smoke screen clouds tobacco industry action," by Ferris.

9. Ibid.

While Cole claims that RSVP is a non-profit organization, it is not listed as such in the California Franchise Tax Board, nor is it listed on the for-profit business roster.[5] According to an article in the *Contra Costa Times* in California, "Only lobbyists at the state level are required to disclose where their money comes from and how it's spent. While local organizers aren't acting illegally, it means local politicians often are unable to distinguish public opinion from special-interest doctrine."[6]

Cole has repeatedly disassociated himself from the tobacco industry, claiming that he is an independent consultant. On at least one occasion, however, he admitted to receiving funds for a pro-tobacco industry tour in which he spoke out against anti-smoking legislation.[7] And according to the *Contra Costa Times* report, former associates of Cole have admitted to Cole's long-standing relationship with the industry.

For example, Los Angeles restaurant owner Barry Fogel, who was the Beverly Hills Restaurant Association's first president, worked extensively with Cole and the Tobacco Industry against the Beverly Hills ordinance in 1987. "Rudy was our contact with the smoking people," Fogel told the *Times*. "He arranged for the Tobacco Institute to fund part of our legal bills." The *Times* goes on to point out, "In interviews with the Times in April, Cole denied any link to the industry. When pressed last week, he concedes he brought the two parties together. But he defends the right of the cigarette makers to influence local decision-making."

"'We're not dealing with some illegal organization, some subversive group. The tobacco companies have a legitimate role,' he says."[8] And while Cole has remained steadfast in his denial of RSVP's relationship with the Tobacco Institute, most of his opponents remain doubtful.

"Tobacco industry fronts purporting to be business coalitions are used to stimulate grass-roots opposition," Kevin Goebel of Americans for Nonsmokers' Rights said in the *Times* report. "The debate then becomes one of smokers versus non-smokers rather than non-smokers versus the tobacco industry."[9]

Notes

1. "Judge Lifts Phone Service Restriction," by Cindy Skrzycki. *Washington Post*, July 26, 1991, p. A1.

2. Telephone interview with Gene Kimmelman, Consumer Federation of America.

3. "How-to-Do-It Examples From Tort Reform." *Journal of American Insurance*, First Quarter, 1986, p. 3.

4. Alliance for Responsible CFC Policy, Policy Statement.

5. "The Mission of CAST," from a CAST brochure.

6. Statement by Paul Eckstein, No On 106 Committee, p. 1.

7. *Earth Right*, by H. Patricia Hynes. (Prima Publishing and Communications, Rocklin, CA, 1990), p. 197-8.

8. Scott Denman, personal communication, August 13, 1991.

9. "News You Should Know." *ASH Smoking and Health Review*, March-April, 1991, p. 6.

10. Telephone inquiry to the Centers for Disease Control, August, 1991.

11. S. 2047, 100th Congress, second session: "A BILL To require a health warning on the labels of all alcoholic beverage containers."

ALLIANCE TO KEEP AMERICA WORKING

"We are here today because the scourge of permanent replacements threatens our very system of collective bargaining. The right to strike has been reduced to the right to quit."

-- Senator Howard Metzenbaum (D-OH) in a speech before the Senate Subcommittee on Labor, March 12, 1991[1]

In 1935, The National Labor Relations Act gave workers the right to strike without being fired. But in 1938, in the case of the *National Labor Relations Board v. Mackay Radio and Telephone Company*, the Supreme Court ruled that employers could "permanently replace" striking workers, provided the strike was prompted by economic concerns. *AFL-CIO News* calls the "Mackay Doctrine" a "loophole in labor law [which] was seldom used until the 1980's, when greedy segments of the business community replaced hundreds of thousands of workers."[2]

To combat this anti-labor trend, labor interests have "turned to Congress for a legislative remedy."[3] In 1990, and again in 1991, Senator Howard Metzenbaum (D-OH) and Representative William Clay (D-MO) introduced "Workplace Fairness" bills (H.R. 5 and S. 55) which would essentially reverse the 1938 Mackay decision, banning the use of *permanent* replacement workers. Employers would still be allowed to hire temporary "scabs."[4]

Labor interests have mounted a large-scale grass-roots campaign to lobby for the bills, but they face considerable opposition from two sources -- the business community and the executive branch. The Bush administration makes no bones about its opposition to the bill, and Labor Secretary Lynn Martin has repeatedly stated that she will recommend a presidential veto should both bills pass.[5] But employer interests are a little less overt. Though associations like the National Association of Manufacturers and the U.S. Chamber of Commerce have come out in opposition to the bills,[6] these organizations and almost 90 other "associations and individual employers"[7] have also formed the innocent sounding Alliance to Keep Americans Working (which calls itself AKA Working) to lobby against the bills.

Though it might sound like an organization interested in supplying jobs for Americans, AKA Working is interested in one thing -- keeping the Mackay doctrine on the books. The group claims that it is "a group of associations and individual employers who have come together to protect balance and fairness in employer-employee relations, and to support policies that increase job opportunities and strengthen the competitive position of American business."[8] But Ernie Dubester, legislative counsel of the AFL-CIO, claims that AKA Working is just "the acronym that the business coalition that's assembled [to fight the Workplace Fairness Bill] is formed under -- it's the umbrella group."[9]

The Alliance operates out of the offices of the U.S. Chamber of Commerce, and is not even given a separate phone line. Cecilia Sepp, an associate manager at the Chamber, answers at the number given by AKA Working on its literature. Members of AKA Working include the National Association of Manufacturers, the U.S. Business and Industrial Council, the National Association of Wholesaler-Distributors, The National Restaurant Association, Exxon, ITT, The Business Round Table, The American Trucking Association, Citizens for A Sound Economy, and American Airlines. Shaw, Pittman, Potts & Trowbridge, a Washington

law firm which represents business interests and is home to a business front group known as the Workplace Health and Safety Council, is also a member.[10]

The group opposes the bill, which it dubs the "Strike Incentive Bill," on the grounds that it is too late to reverse a decision from 1938 (they call it "the Rip Van Winkle of modern labor legislation,"); that it will lead to an excessive number of strikes over frivolous issues; that it threatens public safety and health, since it may prohibit places like hospitals and nuclear power plants from retaining workers; that employers only use permanent replacement as a last resort, anyway; and that, while laborers are given the right to strike, employers should be given the right to stay in business, which the bill might not allow.[11]

Proponents of the bill point out that most of these arguments amount to little reason to allow for permanent replacement workers, when temporary "scabs" are perfectly suitable. Though AKA Working claims that it will be extremely hard to hire temporary replacements, union officials disagree. United Auto Workers president Owen Beiber has pointed out that one in every four civilian workers only serves in a temporary position, at present, making "the claim that employers will not be able to hire temporaries. . .specious."[12]

Harvard Law Professor Paul Weiler has testified before the Senate Subcommittee on Labor, stating that temporary replacement is a feasible solution to the problem employers face when workers walk out. He points to the fact that Canadian businesses have operated successfully under permanent replacement bans which have existed in that country for two years.[13] Many religious organizations have also spoken out in favor of the legislation, citing the permanent replacement of workers as immoral.[14]

Nevertheless, the so called Alliance to Keep Americans Working, which simply wishes to keep striking union employees from working, lobbies vigorously against the passage of the Workplace Fairness bill.

Alliance to Keep Americans Working[15]

Membership as of 1991

Air Conditioning Contractors of America
Air Transport Association of America
American Airlines
American Farm Bureau Federation
American Food Industry Association
American Furniture Manufacturers Association
American Meat Institute
American Mining Congress
American Paper Institute
American Road & Transportation Builders Association
American Small Businesses Association
American Subcontractors Association, Inc.
American Supply Association
American Trucking Association
Ashland Oil
Associated Builders & Contractors, Inc.
The Associated General Contractors of America
Brown & Root, Inc.
The Business Round Table
CBI Industries, Inc.
Caterpillar, Inc.
Champion International Corporation
The Chevron Companies
Citizens for a Sound Economy
Copper & Brass Fabricators Council
Council on Labor Law Equality
The Dow Chemical Company
Electronic Industries Association
Exxon Company, USA
Food Marketing Institute
General Dynamics Corporation
Georgia-Pacific Corporation
Harris Corporation
IM-CERA Group, Inc.
ITT Corporation
Independent Electrical Contractors, Inc.
International Mass Retail Association
International Paper Company
Keck, Mahin & Cate
Keller & Heckman

Kirkland & Ellis
Labor Policy Association, Inc.
Mallinckrodt, Inc.
Manville Corporation
The Mead Corporation
The NTC Group
National Aggregates Association
National-American Wholesale Grocers' Association
National Association of Convenience Stores
National Association of Home Builders
National Association of Manufacturers
National Association of Mirror Manufacturers
National Association of Stevedores
National Association of Wholesaler-Distributors
National Cattlemen's Association
National Coal Association
National Council of Chain Restaurants
National Electrical Manufacturers Association
National Federation of Independent Businesses
National Grocers Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
National Stone Association
National Utility Contractors Association
Neece, Cator, Associates, Inc.
Petroleum Marketers Association of America
Phelps Dodge Corporation
Phillips Petroleum Corporation
Precision Metal Forming Association
Printing Industries of America, Inc.
Regional & Distribution Carriers Conference
Rubber Manufacturers Association
SMACNA, Inc.
Shaw, Pittman, Potts & Trowbridge
Snyder General Corporation
Society for Human Resource Management
Society of American Florists
Steel Manufacturers Association
Sundstrand Corporation
Textile Rental Services Association of America
Thompson, Mann & Hutson
Union Camp Corporation

U.S. Business and Industrial Council
U.S. Chamber of Commerce
USX Corporation
Webster, Chamberlain & Bean
Whirlpool Corporation
Wilson Foods Corporation
Wine and Spirits Wholesalers of America, Inc.
Young & Perl, P.C.

Notes

1. Senator Howard Metzenbaum (D-Ohio) in a speech before the Senate Subcommittee on Labor, March 12, 1991, quoted in "Replacing the Union: Business's Labor Offensive," by Robert Weissman. *Multinational Monitor*, April, 1991, p. 12.

2. "House passes 'permanent replacement' ban," by Muriel H. Cooper. *AFL-CIO News*, July 22, 1991, p. 1.

3. "Replacing the Union," by Weissman, *Multinational Monitor*, p. 12.

4. H.R. 5 had already been approved by the House, while S. 55 is still pending in the Senate.

5. "AFL-CIO Begins Campaign On Replacement Workers," by Frank Swoboda. *Washington Post*, June 21, 1991, p. F2.

6. *Issue Brief: A Public Policy Summary*, from the National Association of Manufacturers, January, 1991, and "GAO Study Torpedoes Strike Bill," from the U.S. Chamber of Commerce, Labor & Human Relations Department, February, 1991.

7. From AKA Working's membership list, provided by Frank Swoboda.

8. Ibid.

9. Telephone interview with Ernie Dubester, August, 1991.

10. Membership list.

11. Position Papers, provided by AKA Working.

12. "Replacing the Union," by Weissman, *Multinational Monitor*, p. 13.

13. Ibid.

14. "House passes 'permanent replacement' ban," by Cooper, *AFL-CIO News*, p. 3.

15. Membership list.

ALLIANCE FOR RESPONSIBLE CHLOROFLUOROCARBON POLICY

"Industry opposition to CFC regulation, combined with government inaction, have contributed greatly to the ozone depletion crisis. We might have avoided the grave situation we face today if industry and the government had acted earlier to reduce the use of ozone depleting chemicals. Even today, although the world's scientific community and many governments agree that we must drastically reduce the use of CFCs on the planet, Du Pont and the rest of the CFC industry continue to hamper efforts to reduce the use of these chemicals."

-- *Du Pont Fiddles While the World Burns: Industry Inaction on Ozone Depletion*, a US PIRG Report, December, 1989[1]

Chlorofluorocarbon compounds (CFCs) are widely used throughout the world as refrigerants, coolants and cleaners. CFC-113, a parts degreaser, has been described by one chemist as "a beautiful compound," which has no perfect substitute.[2] And CFCs in general "have contributed greatly to the quality of life in the United States and around the world, due to their unique. . .combination of functional properties. . ."[3]

Unfortunately, CFCs also contribute directly to the depletion of the ozone layer, Earth's only protection from the sun's harmful ultraviolet (UV) rays. UV rays can cause skin cancer and eye diseases, including cataracts and blindness, in humans, and can also affect plant and animal life in ways which could prove disastrous for the entire ecosystem. A depleted ozone layer can also contribute to global warming, and CFCs themselves are "powerful greenhouse gases."[4]

Because of these possible effects, 24 countries and the European Economic Community signed a treaty in 1987, called the Montreal Protocol on Substances that Deplete the Ozone Layer. The parties agreed that the 1986 levels of CFC production would be decreased by 50 percent by 1998. Three years later (June 1990) the Montreal Protocol was amended to provide for a complete phaseout of CFC's by the year 2000 in developed countries and by 2010 in developing countries. Such a phaseout could cost the industries throughout the world which produce and make use of CFCs billions of dollars.

Industries have begun to search for suitable, environmentally safe CFC substitutes, and have begun promoting the use of these substitutes through the "ironically named"[5] Alliance for Responsible CFC Policy. The Alliance is comprised of over 400 companies which either manufacture chlorofluorocarbons (CFCs) and the related compounds, HFCs and HCFCs, or provide services which make use of these products. Some of the biggest supporters include E.I. DuPont de Nemours and Co., which patented CFCs in the 1930's and now provides 15-25 percent of the CFCs used in the world,[6] Imperial Chemical Industries, the second largest CFC producer, Dow Chemicals, and countless refrigeration and air conditioning companies.[7]

As the Alliance describes itself, it "was organized in 1980 to ensure that the establishment of reasonable government policies regarding the further regulation of CFCs and protection of the stratospheric ozone layer be pursued on an international basis and be based

on scientific facts."[8] The Alliance claims that it supports the goals of The Montreal Protocol and its 1990 amendment, but focuses its attention on ensuring that reasonable alternatives to CFCs remain available without regulation, and that CFCs are not further regulated by parties other than the Protocol and the Clean Air Act Amendments of 1990.

The two main alternatives to CFC use which the Alliance promotes are hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs). The Alliance claims a quick transition to these compounds is essential if CFCs are to be phased out by 2000. It notes that HCFC compounds have only a slight effect on ozone depletion, while HFC compounds, which do not contain chlorine, "have no impact on ozone."[9] Despite these facts, the Montreal Protocol did recommend that HCFCs be phased out between 2020 and 2040, and the Clean Air Act of 1990 has mandated their elimination in the U.S. by 2030. The Alliance for Responsible CFC Policy maintains that "HCFCs and HFCs provide the balance in meeting essential societal needs while protecting the environment."[10]

Patrick McCully, editor of *The Ecologist*, disagrees. He admits that HCFCs and HFCs are much less harmful than CFCs themselves, but points out that HCFCs are ozone depleters and also contribute to the greenhouse effect, while HFCs, despite being safe for the ozone layer, are also greenhouse gases.[11] Thus these compounds are harmful to the environment and the human population. More importantly, they are not the only alternatives to CFCs -- they are simply the least costly for members of the Alliance.

McCully points out that CFC manufacturers have done little or no research into "non-halocarbon refrigerants such as propane or ammonia." He attributes this to the fact that these alternatives can be produced cheaply and cannot be patented. This translates into huge losses for companies like DuPont and ICI which could patent and sell HFCs and HCFCs in place of CFCs. Furthermore, the halocarbon compounds could substitute in refrigeration without altering the technology, while the use of non-halocarbon compounds would be costly to the refrigeration industry, since it would have to "change substantially its production methods."[12]

As McCully sees it, "Given what is known about the state of the ozone layer and the threat from global warming, as well as the numerous alternatives to halocarbon compounds, the long term production of these substitutes for the sake of a few hundred million dollars in profits can only constitute a crime against humanity and the environment."[13] Yet the "long term production of these substitutes" is exactly what the Alliance for Responsible CFC Policy seeks. The Alliance maintains that CFC substitutes must be efficient, easily producible, cost effective, and useful to society, while downplaying the costs that continued CFC production and the production of other halocarbon compounds could have for the environment and humanity.

Alliance for Responsible CFC Policy[14]

Membership consists of 432 "companies and trade associations representing companies that use or produce CFCs" including:

ARCO Chemical
AT&T
Abbot Laboratories
Air Conditioning & Refrigeration Institute
Air Conditioning & Refrigeration Wholesalers
Air Conditioning Associates, Inc.
Air Conditioning Contractors of America
Air Conditioning Suppliers, Inc.
Allied Supply Company, Inc.
Allied Signal Corporation
American Frozen Food Institute
American Gasket and Rubber Company
Amoco Foam Products Company
Andy's Refrigeration and Air Conditioning
Association of Home Appliance Manufacturers
Chemical Specialties Manufacturers Association
Commercial Refrigeration
Dairy and Food Industry Supply
Dow Chemical U.S.A.
E.I. Du Pont de Nemours and Company
Foam Applications, Inc.
Foam Enterprises, Inc.
Foam Insulation Contractors
Foam Systems Co.
Foamseal, Inc.
GTE Products Corporation
General Refrigeration Supply Company, Inc.
Genpak Corporation
Grocery Manufacturers of America
Hormel, Inc.
IBM Corporation
ICI Americas
ITT Continental Baking Company
ITT Telecommunications
Industrial Coatings, Inc.
Industrial Hydrocarbons, Inc.
Insta-Foam Products, Inc.
Institute of Heating & Air Conditioning Industries
International Association of Refrigerated Warehouses

Manville Sales Corporation
Mechanical Supply company
Metro Refrigeration Supply, inc.
Nabisco, Inc.
National Association of Home Builders
National Automobile Dealers
National Commercial Refrigeration
National Fire Protection Association
National Refrigerants, Inc.
Northland Corporation
Ore-Ida Foods, Inc.
Owens-Illinois
Pensacola Refrigeration Supply, Inc.
Polyurethane Foam Association
Quaker Oats Company
Refrigeration & Electric Supply Company
Refrigeration-Heating, Inc.
Refrigeration Suppliers Corporation
Refrigeration Suppliers, Inc.
Refrigeration Supply Company, Inc.
Southern Refrigeration Corporation
Southland Corporation
Sprayfoam Southwest, Inc.
Sub-Zero Freezer Company, Inc.
Texaco Chemical Company
Texas Instruments
Thermo-King Corporation
U.C. Industries

Notes

1. *Du Pont Fiddles While the World Burns: Industry Inaction on Ozone Depletion*, a US Public Interest Research Group Report, Prepared For The Campaign For Safe Alternatives To Protect The Ozone Layer. December, 11, 1989, p. 3.

2. Leo Manzer of E.I. DuPont de Nemours and Co., quoted in "CFCs: No Easy Solution," by Skip Derra. *Research and Development Magazine*, May, 1990, pp. 55-6.

3. "Policy Statement" of the Alliance for Responsible CFC Policy.

4. "A Message to the Executives and Shareholders of E.I. DuPont de Nemours and Co. and Imperial Chemical Industries, Ltd.," by Patrick McCully. *The Ecologist*, Vol. 21, No. 3, May/June, 1991, p. 114.

5. McCully, *The Ecologist*, p. 115.

6. Ibid.

7. Ibid, p. 114 and *Alliance for Responsible CFC Policy Newsletter*, June, 1990.

8. "Policy Statement" of The Alliance for Responsible CFC Policy.

9. "Realistic Policies on HCFCs Needed in Order to Meet Global Ozone Protection Goals," a publication of The Alliance for Responsible CFC Policy, June 1990.

10. Ibid.

11. McCully, p. 115.

12. Ibid.

13. Ibid.

14. *Alliance for Responsible CFC Policy Newsletter*, June, 1990.

AMERICAN COUNCIL ON SCIENCE AND HEALTH

"A consumer group is an organization which advocates th. interests of unrepresented consumers and must either maintain its own intellectual independence or be directly accountable to its membership. In contrast, ACSH is a consumer front organization for its business backers. It has seized the language and style of the existing consumer organizations, but its real purpose, you might say, is to glove the hand that feeds it."

-- Ralph Nader[1]

"It's science that's forced through a sieve of conservative philosophy."

-- Mike Jacobson, executive director, Center for Science in the Public Interest[2]

In 1989, The Natural Resources Defense Council (NRDC) published the results of a two-year study of the red apple pesticide known as Alar. The group found that this chemical, when sprayed on apples used in juice and applesauce, posed a serious cancer risk for children, who tend to consume a higher proportion of these foods than do adults. The question of what to do about the findings held a prominent spot in the public eye throughout the early months of 1989. Occasionally, headlines such as, "Hysteria Obscures Issue of Toxins, Carcinogens," "Doctor Says Alar Fear Needless," and "Consumer Health Advocate Fights 'Ban Everything' Trend," would appear in the nation's largest publications. The author or spokesperson quoted in these articles would usually be Dr. Elizabeth Whelan, PhD. Whelan is executive director of the American Council on Science and Health, a self-proclaimed "public education group directed and advised by over 200 prominent scientists, physicians and policy experts."[3]

When publications listed these credentials, or stated even less about the doctor and her group, it was easy for a reader to take the point of view expressed at face value. Readers were left wondering how dangerous Alar really was. But when following a March 14 *Wall Street Journal* article by Dr. Whelan, entitled "Apple Dangers Are Just So Much Applesauce," the editor added, "Mrs. Whelan heads [ACSH], a New York group that gets about 10% of its funding from pesticide producers such as Uniroyal Chemical Co., the maker of Alar," readers might have begun to wonder.

A closer look at the entire list of ACSH's major contributor's reveals that the group is heavily funded by corporations within the food, drug and chemical industries, including Dow Chemical U.S.A., Kraft Foundation, The Nutrasweet Company, PepsiCo Foundation, Inc., General Mills, Inc., Burger King Corporation, and The National Starch and Chemical Foundation.[4] The general philosophy of the Council is very friendly to the interests of these corporations. The group claims that its goal is to "provide consumers with up-to-date scientifically sound information on the relationship between, chemicals, food, nutrition, lifestyle, and the environment and human health,"[5] but in actuality, ACSH seems devoted to presenting the point of view that almost no food, drug or chemical is harmful if consumed in moderation. Low doses of asbestos, caffeine, Agent Orange and PCB's are all harmless, they claim. According to Dr. Whelan, there is "no such thing as 'junk food' and. . .there is insufficient evidence of a relationship between diet and any disease." Furthermore, "cancer,

except that from smoking, is overrated as a threat and. . .the chemical industry is taking a bum rap for its publicly perceived role in raising cancer rates."[6] Almost every one of these claims is supposedly justified by the group's assumption that animal studies do not provide a fair gauge of health risks presented to humans.[7]

Though Dr. Whelan claims they are not,[8] it seems highly probable that ACSH's opinions are influenced by the sources of its funding. Rarely does the group take a position which would be in opposition to the interests of its supporters. As Mike Jacobson, executive director of the Washington public interest organization, Center for Science in the Public Interest (CSPI), puts it, "Industry invests in this pretend consumer group, and the investment pays off nicely when there's a controversy." He notes that "most reporters, wire-service people and local TV reporters don't have any idea who the group is."[9]

In the face of constant criticism concerning her group's assumed biases, Whelan justifies her findings by referring to her panel of 200 "scientists and other experts", 20 to 100 of whom review every position paper ACSH publishes. But Peter Harnik, in his report on ACSH for CSPI says the list of experts is "designed to look impressive to the casual observer. . .[but] a close look at it reveals a pro-industry bias to warm the heart of a junk food salesman." According to Harnik, the scientists are mostly consultants, paid representatives or employees of corporations in the food, drug and chemical industries.[10]

And the writings of these people seem to reflect that bias. CSPI asked eight respected scientists to review eight publications put out by ACSH. "Without exception the scientists found a wide variety of flaws in the reports -- ranging from omissions, misinterpretations and inconsistencies to more serious factual errors, statistical manipulations and unsupported conclusions."[11] One CSPI scientist, after reading an ACSH report on caffeine (which found that the drug did not increase incidence of fibrocystic breast disease) stated, "It is almost as if the conclusion paragraphs were written by someone other than the author of the review, since it is difficult to see any connection between the two."[12]

The most widely criticized of the scientists is Dr. Whelan herself, perhaps because she is the most vocal. During the 1989 Alar scare, Robin Whyatt of the NRDC participated in a television debate with Whelan. Whyatt said afterwards, "Her comments were not those of a scientist. They were the comments of a person who would do anything in her power to discredit [the NRDC's] report [on Alar]."[13]

When ACSH was founded in 1978, Whelan was a research associate at Harvard University's school of public health. She terminated her employment there in June of 1980, but on numerous occasions has used the affiliation in articles and TV appearances in order to enhance credibility and, according to Harnik, has even said that she was currently employed by Harvard months after her employment had ended.[14]

Despite constant criticism concerning its industry ties, ACSH steadfastly maintains that it "has a well-established policy of assessing issues and presenting analyses which are balanced -- while insisting upon mainstream, peer-reviewed (not shortcut or pseudo) science," and that the Council "includes a full gamut of scientific and professional expertise that enables it to see the 'Big Picture' of public health in America."[15]

However, there seems to be serious evidence to the contrary. In addition to constant criticism from public health groups, ACSH has even experienced dissent from within. In 1989, a member of the "scientific panel" wrote to Dr. Whelan: "I am concerned that the

Council is bending too far in favor of protecting industry without a balancing concern for the safety of the consumer," he said. "I think it is now time that I remove my name from the list."[16]

The American Council on Science and Health[17]

Contributors as of July 1987-December 1988

Benefactor ($25,000 and above):
Anheuser-Busch Foundation
CIBA-GEIGY Corporation
Dow Chemical USA
Rollin M. Gerstacker Foundation
Northwood Institute
John M. Olin Foundation Inc.
Sarah Scaife Foundation, Incorporated

Patron ($15-24,000):
Archer Daniels Midland Company
Chevron Environmental Health Center
Cooper Industries Foundation
Crystal Trust
The Ester A. and Joseph Klingenstein Fund, Inc.
Kraft Foundation
National Agricultural Chemicals Association
The Samuel Roberts Nobel Foundation, Inc.
The NutraSweet Company
Pepsico Foundation Inc.
Pfizer Inc.
The Schultz Foundation
G.D. Searle Charitable Trust
Shell Oil Company Foundation
The Starr Foundation

Sponsor ($10,000-14,999):
American Cyanamid Company
Carnation Company
The Coca-Cola Company
Adolph Coors Foundation
E.I. Du Pont de Nemours & Company
Ethyl Corporatio:
Exxon Corporation
General Mills, Inc.
Thomas J. Lipton Foundation, Inc.
Monsanto Fund
National Soft Drink Association
The Procter & Gamble Fund
Joseph E. Seagram & Sons, Inc.

Sterling Drug, Inc.
Union Carbide Corporation
The Warner-Lambert Foundation

Supporter ($5,000-9,999):
ALCOA Foundation
Allied Signals Foundation, Inc.
Amoco Foundation, Inc.
The Ashland Oil Foundation, Inc.
Boise Cascade Corporation
The Bristol-Myers Fund, Inc.
Burger King Corporation
Dow Chemical Canada, Inc.
FMC Foundation
Ford Motor Company Fund
General Electric Foundation
General Motors Foundation
Gerber Products Company
Hercules Incorporated
Hershey Foods Corporation Fund
Heublein, Inc.
Johnson & Johnson
The Johnson's Wax Fund, Inc.
Kellogg Company
The Merck Company Foundation
Mobil Foundation, Inc.
National Starch and Chemical Foundation
PPG Industries Foundation
Rohm & Haas Company
Salt Institute
The Stouffer Corporation
The Stroh Brewery Company
The Sugar Association, Inc.
Sun Company, Inc.
Syntex Corporation
USX Foundation, Inc.
Wine Growers of California

And 120 other contributors (below $5,000) including Campbell Soup Company, Shelby Cullom Davis Foundation, Dow Corning Corporation, ICI Americas Inc., David H. Koch Charitable Foundation, Licensed Beverage Information Council, M&M Mars, The Pillsbury Company, Ralston Purina, and The Stare Fund.

Notes

1. Quoted in *Voodoo Science, Twisted Consumerism: The Golden Assurances of the American Council on Science and Health*, by Peter Harnik. Center for Science in the Public Interest, Washington, D.C., 1982, p. 25.

2. Quoted in "Dr. Whelan's Media Operations," by Howard Kurtz. *Columbia Journalism Review*, March/April, 1990, p. 47.

3. "Introducing American Council on Science and Health, Inc." (an ACSH brochure).

4. "ACSH Contributors," *Priorities*, Spring 1989.

5. "Introducing ACSH."

6. Peter Harnik, reporting Whelan's views in *Voodoo Science, Twisted Consumerism*, pp. 4-5.

7. *Voodoo Science, Twisted Consumerism*, by Harnik, p. 14.

8. "Introducing ACSH," "Dr. Whelan's Media Operation."

9. Quoted in "Dr. Whelan's Media Operation," *Columbia Journalism Review*, p. 44

10. *Voodoo Science, Twisted Consumerism*, by Harnik, p. 18.

11. Ibid., p. 11.

12. Ibid., p. 16.

13. Quoted in "Dr. Whelan's Media Operation," by Kurtz, *Columbia Journalism Review*, p. 47.

14. *Voodoo Science, Twisted Consumerism*, by Harnik, p. 21.

15. "Introducing ACSH."

16. Letter from John C. Bolton, M.D., to Elizabeth Whelan, PhD, February 27, 1989.

17. "ACSH Contributors," *Priorities*, Spring 1989.

and "frivolous" lawsuits. While its stated mission is "to bring greater fairness and efficiency to the civil justice system through public education,"[5] ATRA's sole purpose, according to Joe Belluck of the Center for the Study of Responsive Law, is to "take away the consumer's rights" in the courtroom.

For example, one item on ATRA's agenda is the elimination of the jury system. Belluck explains, "They would like to have a seven-member tribunal of three doctors, two lawyers, and two citizens with strict guidelines which would say: If you lose a foot you get $10,000. If you lose an eye you get $20,000. So there's no discretion; there's no unpredictability. Unfortunately for ATRA, our constitution is set up so that people have access to a jury trial of their peers and we have a functional system that does that."[6]

Aside from capping punitive damages and doing away with juries, ATRA is trying to eliminate "frivolous" suits which they claim are created by lawyers' contingency fees. ATRA's solution to the problem would be to force a plaintiff who loses a case to pay the full legal fees of the defendant. Belluck claims this system would make it nearly impossible for anyone to sue a corporation, which usually maintains an expensive team of lawyers. Losing the case under these circumstances would be financially devastating for the plaintiff. Furthermore, ATRA wishes to have the plaintiff's attorney pay large punitive fines as well, which Belluck notes, "just intimidates other attorneys from filing lawsuits that may actually be very worthwhile."[7]

Another example of ATRA's pro-business agenda is its advocacy of periodic payments to victims who win large settlements, thereby allowing a convicted company to pay damages in small, annual installments. Belluck says that periodic payments are too forgiving of the guilty defendant. "They want to be able to award your money a little bit at a time, like a lottery system, which is totally ridiculous," he says. "If they've done something wrong, they don't deserve to have the latitude to do that."[8]

One favorite tactic of ATRA and its state groups is to highlight outrageous examples of litigation, such as a recent case involving a man in a phone booth who was badly injured by a drunk driver. The man sued the manufacturer of the phone booth, who was found liable and had to pay a large settlement. ATRA has used this case to portray the "absurdity" of America's litigation system. But Belluck contends, "Behind the case, which is what these groups don't tell you, is that the phone booth had been involved in two or three other accidents, and that the manufacturer *knew* it was structurally insufficient to withstand a crash. Their own research had shown that. They had been fined and told to move the phone booth back from the street in that particular location. So it's clear that not only did they know that the product was defective, but they were clearly negligent. They twist it around and make it seem like it's an absurd verdict. They take cases and tell you only half the facts."[9]

With its self-described "intensive media program,"[10] ATRA has met with some success in "reforming" America's legal system to meet the needs of its members. Since 1986, about thirty states have enacted legislation to penalize "frivolous" lawsuits, nine have put caps on punitive damage awards (usually of $250,000 or $350,000, which are hardly "punitive" for multi-billion dollar corporations), and eight have put caps on non-economic awards, such as those for pain and suffering.[11]

ATRA's "Dues Schedule" is in itself a testament to the wealth and power of its members. In recruiting these members, ATRA's solicitation letter recommends dues payments

based on the applicant's gross income. The increments on the scale range from "Under $25,000,000" to "Over $5,000,000,000", with suggested donations for the latter being $10,000.[12]

Despite these figures, a letter from ATRA general counsel Benjamin Civiletti to the public does not mention the corporate support ATRA receives. Civiletti writes, "This grass roots organization. . .has been backed by the American Medical Association, the Red Cross, and the Boy Scouts of America and hundreds of other groups around the country."[13]

The facts show, however, that ATRA has pursued an agenda which in every respect is pro-business and which will, if enacted, create a far greater degree of predictability in the courts than exists today. By creating this predictability ATRA's members would be spared from exercising the care in manufacturing products that they currently must practice. The more unpredictability there is in the system, the more corporations will be less inclined take such chances. "It's scare tactics that the Tort Reform Association uses," says Belluck. "What they're trying to do is make it predictable, but they don't tell you the reason why they want to do that, which is to allow corporations to continue unsafe practices without any risk."[14]

American Tort Reform Association[15]
Membership as of June 6, 1991

368 organizations including:

AEtna
American Car Rental Association
American Hardware Manufacturers Association
American Insurance Association
American Motorcyclist Association
American Nuclear Energy Council
Bechtel Enterprises
Beer Institute
Boeing Company
Chemical Manufacturers Association
Clorox Company
Council of State Chambers of Commerce
Dow Chemical Company
Eaton Corporation
Eli Lilly and Company
Exxon Company, U.S.A.
Fluor Corporation
G & W Electric Company
GEICO
General Electric Company
Health Industries Manufacturers Association
Johnson and Johnson
Monsanto Company
National Association of Manufacturers
National Association of Mutual Insurance Companies
National Association of Passenger Vessel Owners
National Association of Wholesaler Distributors
National Automobile Dealers Association
National Electrical Manufacturers Association
National Pest Control Association
Nationwide Insurance Companies
Otis Elevator Company
Outdoor Power Equipment Institute
Pfizer, Inc.
Pharmaceutical Manufacturers Association
Research Solvents and Chemicals, Inc.
Sears, Roebuck & Company
Society of the Plastics Industry
Sporting Arms & Ammunition Manufacturers Association

Sporting Goods Manufacturers Association
State Farm Insurance Companies
TRW Inc.
U.S. Business & Industrial Council
Union Carbide Corporation

Notes

1. Interview with Joseph Belluck, Center for Study of Responsive Law, July 26, 1991.

2. *Corporate Crime and Violence*, by Russell Mokhiber. Sierra Club Books, San Francisco, 1989, pp. 378-9.

3. *Lawsuit*, by Stuart M. Speiser. Horizon Press, New York, 1980, p. 376.

4. American Tort Reform Association, membership list as of June 6, 1991. Provided by ATRA, on file with authors.

5. ATRA Tort Reform Record, December 31, 1990. p. 1.

6. Interview with Belluck.

7. Ibid.

8. Ibid.

9. Ibid.

10. ATRA membership application.

11. ATRA Tort Reform Record.

12. ATRA membership application.

13. Public relations letter from Civiletti included in general information mailing from ATRA.

14. Interview with Belluck.

15. American Tort Reform Association, membership list as of June 6, 1991. Provided by ATRA, on file with authors.

BOOST ALCOHOL CONSCIOUSNESS CONCERNING THE HEALTH OF UNIVERSITY STUDENTS (BACCHUS)

"As the clock turns toward the moment you've decided to call it a night, begin serving fewer drinks and more soft drinks and coffee. if you can arrange it, wind down the bar about an hour before you expect people to start going home. That will give those who have had a drink a chance to get home safely."

-- "The BACCHUS Guide to Successful Partying"[1]

BACCHUS is a nationwide "program for alcohol abuse prevention"[2] of over 400 chapters on college campuses across the country. The group is named after the Roman god of wine and debauchery. The contradiction is obvious. But then again, so is the contradiction inherent in having a supposed alcohol abuse prevention organization whose largest donors are The Miller Brewing Company and The Anheuser-Busch Corporation.

Of $220,000 BACCHUS received in 1990, $200,000 of it came directly from the alcohol industry. Miller and Anheuser-Busch were the largest donors, but grants came from Seagram's, Hiram Walker, The Distilled Spirits Council of the U.S. (DISCUS) and others as well.[3] Though BACCHUS denies that it is influenced by its donors, it seems apparent that the group has an industry agenda.

On college campuses, BACCHUS chapters are mostly geared towards fraternity and sorority life. According to BACCHUS annual reports, chapters distribute literature, sponsor designated driver campaigns and generally attempt to educate students about alcohol. According to a student at Miami University of Ohio, "all they do is give out bar licenses to fraternities."

BACCHUS's stated purpose is to allow college students to educate their peers about responsible drinking. "The BACCHUS philosophy is that students can play a uniquely effective role -- unmatched by professional educators -- in encouraging their peers to consider, talk honestly about, and develop responsible habits and attitudes towards the use or non-use of beverage alcohol."[4] As anti-alcohol abuse professionals see it, BACCHUS is dedicated to promoting the "responsible use of alcohol." That is, they view BACCHUS as an attempt on the part of the beverage alcohol industry to encourage drinking. A student-to-student approach is used in order to minimize the "non-use" message that many "professional educators" like to present.[5]

The exact opposite of a "non-use" message is apparent throughout the literature that BACCHUS distributes to the members of its chapters:

* BACCHUS and its local chapters acknowledge that students of all ages are faced with making personal decisions about alcohol[6]

* It's possible to read this pamphlet and think that if you have a drink you are doomed to suffer major consequences. Certainly that is not the point.[7]

* If you're looking for rules of thumb about how much alcohol to buy. . .left on their own, most people will not consume more than three or four beers, three glasses of wine, or two to three mixed drinks with liquor at a normal evening party.[8]

As Arlene Seal, PhD., executive director of the Pennsylvania-based "Campuses Without Drugs," sees it "BACCHUS pamphlets promote the use of alcohol as the majority norm of society. This attitude exacerbates the pressure on young people to drink and reinforces it as the adult thing to do." She also charges that the pamphlets are full of "blatantly wrong medical information" that tends to downplay the negative effects of alcohol use and abuse.[9]

In its early days, BACCHUS was more obvious in its promotion of the use of alcohol, especially among minors. Recently, they have responded to accusations about promoting illegal drinking, and small disclaimers have begun appearing in their literature, yet the general message is the same: it's perfectly acceptable to drink even if you're under 21.

While BACCHUS may argue that underage drinking will occur despite all efforts to curb it, and that the organization at least teaches young people to drink responsibly, Dr. Seal finds this absurd. She rejects such "harm minimization" programs and claims that it is not overly optimistic to promote a "no use" message.[10]

The BACCHUS program is not only funded by the alcohol industry and some college fraternity systems. It also receives a small amount of money from every taxpayer in America. BACCHUS is one of the many so-called drug prevention programs which the Department of Education endorses and supplies with "hundreds and hundreds of thousands of dollars" in grants.[11] Despite the fact that the federal mandate requires that "any materials produced or distributed with funds made available under the act must reflect the message that illicit drug [which is explicitly defined as inclusive of alcohol use] is wrong and harmful," the government still supports BACCHUS. As Dr. Seal sees it, "tax dollars are literally merging with alcohol industry money to advertise alcohol to our young."[12]

BACCHUS of the U.S., Inc.[13]

Contributors from 1988-1990

Anchor Glass Container Corporation
Anheuser-Busch Company
James B. Beam Distilling Company, Inc.
Brockway Glass
Brown-Forman, Inc.
Archer Daniels
Delta Gamma Foundation
Distilled Spirits Council of the U.S. (DISCUS)
Heublein, Inc.
Hiram Walker Gooderham & Worts, Ltd.
Ladish Malting Company Foundation, Inc.
Joseph E. Seagrams & Sons, Inc.
Miami of Ohio Greek System
Miller Brewing Company
Rahr
Schrier Malting Company
Sigma Tau Gamma Foundation
Strohs Brewery
University of Iowa Greek System

Notes

1. "The BACCHUS Guide to Successful Partying." Published by BACCHUS of the U.S.,Inc.

2. Heading on *BACCHUS Beat* newsletter.

3. BACCHUS of the United States, 1990 Annual Report.

4. "BACCHUS philosophy statement."

5. Telephone interview with Dr. Arlene Seal, PhD., August 13, 1991. Also, Pat Taylor, Center for Science in the Public Interest, personal communication, July, 1991.

6. From a BACCHUS philosophy statement quoted by Dr. Seal in telephone interview. On file with Dr. Seal.

7. "Alcohol and Women." Published by BACCHUS of the U.S., Inc., 1990.

8. *The Successful Party Guide*. Published by BACCHUS of the U.S., Inc., 1990.

9. Letter from Arlene Seal, PhD., to Secretary of Education Lauro Cavazos, February 27, 1989.

10. Telephone interview with Dr. Seal.

11. Ibid.

12. Ibid.

13. BACCHUS of the United States, 1990 Annual Report.

BEER DRINKERS OF AMERICA

"Another grotesque statement made in the letter was about beer advertising on TV. It referred to the '224 million dollars' spent on advertising, centered on major sports programming. It asserted that without the $224 million the viewers would need to resort to the 'premium pay cable channels, costing each viewer about $300 per year.' Come now, Mr. Unser, are you really that concerned about the cost of TV, or is it your sponsors who are concerned about the loss that they may take if such a ban is imposed? Either way, it is a nonsensical statement. Mr. Unser, you should know that you have to stay ahead of the 'beer-crats.'"

-- James S. Hamilton, executive director of Nebraska Council on Alcohol and Drug Education, Inc., in a 1989 letter to Bobby Unser Jr., then honorary chairman of Beer Drinkers of America

In May of 1989, Representative Gerald Kleczka (D-WI) received a form letter from one of his constituents, Dean Malek. The letter, which was one of many identical letters the congressman had received, stated that Dean was one of the "80 million hard-working Americans who enjoy drinking beer." It urged the congressman to vote against raising excise taxes on beer, since that would unfairly discriminate against responsible Americans, and to further work against legislation which would ban beer advertising on television, arguing that without beer ads, major sports would be forced to air only on premium pay cable TV. The letter was not signed on the line above the constituent's printed name.

Accompanying the form letter, Rep. Kleczka received a letter from Mrs. R. J. Malek, Dean's mother, stating, "Dean is unable to sign this letter as he was killed in an alcohol related accident in 1986." Dean was sixteen years old. The Maleks had received this pre-addressed letter from Mr. Bobby Unser, Jr., former professional race car driver, and honorary chairman of the non-profit organization, Beer Drinkers of America (BDA).[1]

That was in 1989. Currently, the honorary chairman of the organization is former St. Louis Cardinal, Stan Musial. It is not merely coincidence that Musial's former franchise is owned by the Anheuser-Busch corporation. In fact, though "Beer Drinkers of America" sounds like a fun-loving fraternal order of guys enjoying their beers, as Dale Van Atta and Jack Anderson reported recently, "the group might more appropriately be called Beer Makers of America."[2] Only about half of its funding comes from individual members, who pay a $10 annual membership fee, while the other half comes from various members of the beer industry -- bartenders, bar owners, and beer vendors. Original funding for the operation was provided by large grants from the Miller Brewing Company and Cardinals owner, Anheuser-Busch.[3]

The group indicates in its literature that it has four main objectives: to educate the public on responsible drinking; to remind the government that the vast majority of beer drinkers are responsible; to stop the government from passing legislation which discriminates against beer drinkers; and to inform members about beer.[4] However, it appears that the group has one true objective -- to increase, or at least maintain, beer sales in America.

In their efforts to do this, BDA does spend some of its time educating "young adults"

on responsible consumption. It teaches them to "party smart," which entails such things as serving food and coffee after a night of drinking before driving home, and "knowing one's limits," which includes understanding that after five twelve ounce beers a 160 pound person may find that his or her driving is impaired. The option of not drinking at all is rarely mentioned, though one pamphlet does state, "If you know someone in your group may drink more than is safe, designate a non-drinking driver."[5]

The rest of the group's time and money seems to be spent soliciting unsuspecting Americans to help in the fight against "powerful interests" who are conspiring against responsible, hard-working middle class beer drinkers. In their letters to these people, it is not hard to see how BDA manipulates the insecurities and biases of the average blue collar American in order to convince him (90% of the groups members are male) to support the group's two main causes -- keeping excise taxes where they are and keeping beer ads on TV. In the newsletter BDA members receive, called *Heads Up*, BDA tries to influence unsuspecting members by, for example, labelling all proponents of the measures BDA opposes as "prohibitionists."[6]

In April 1990, Representative Andy Ireland (R-FL.) wrote a scathing memo to his colleagues, accusing BDA of actually using in their lobbying efforts the names of constituents who had never heard of BDA and who even endorsed the measures which the organization opposed.[7] But BDA, along with The Beer Institute and others, has been able to keep excise taxes down and beer ads on television. [8]

Notes

1. "Irresponsible Reprinted Constituent Mail," *Congressional Record*, May 31, 1989.

2. "Beer Lobby Froths Over Tax Proposal," by Jack Anderson and Dale Van Atta. *Washington Post*, August 3, 1991, p. E5.

3. Ibid.

4. *Beer Drinkers of America Fact Sheet*.

5. *Ten Tips for Smarter Partying and Hipper Hosting*," produced by the Beer Drinkers of America Education Project.

6. "Prohibition Then and Now," *Heads Up*, Spring, 1990, p.6.

7. "Are Your Constituents Really 'Beer Drinkers of America?'" Memo from Andy Ireland to his colleagues, April 19, 1990.

8. "Beer Lobby Froths Over Tax Proposal," by Anderson and Van Atta, *Washington Post*.

CALORIE CONTROL COUNCIL

"You've called the right place."

-- Response of a Calorie Control Council employee to a phone caller asking for reassurance about the safety of aspartame[1]

Since around the turn of the century, Americans have been using artificial sweeteners as substitutes for sugar. Saccharin was first discovered in 1879, and gained widespread acceptance following World War I. In 1951, the Food and Drug Administration approved a new sugar substitute called cyclamate. Since it did not have as much of a bitter aftertaste as saccharin, the new sweetener was popular throughout the 50's and 60's. In 1981, a third sweetener, known as aspartame, was discovered and quickly gained popularity.

All three of these sweeteners have been found to cause cancer in laboratory animals, and all three have received serious criticism from those concerned with the health of the American public. All three also earn millions of dollars for their manufacturers and for the manufacturers of products which use the sweeteners.

In order to keep on the market those sweeteners which are currently available, in order to attempt to return to the market those sweeteners which have previously been banned, and in order to gain approval for newly discovered sweeteners, those companies which benefit from the sale of these products have banded together to create the Calorie Control Council (CCC). The Council was established in 1966 and is a self-described "international association representing the low-calorie and diet food and beverage industry. . .it represents more than 60 manufacturers and suppliers of low-calorie, low-fat and light foods and beverages, including the manufacturers and suppliers of more than a dozen different dietary sweeteners and low-calorie ingredients."[2] Among its members are the Coca-Cola Company, PepsiCo, A & W Brands, Dr Pepper/SevenUp Company, Abbott Laboratories (Cyclamate), PMC Specialties Group (Saccharin), The NutraSweet$_R$ Company (aspartame), Hoechst Celanese Company (Acesulfame-K), and FMC Corporation (Cellulose Gel).[3]

In the face of serious questions concerning the safety of most of the artificial sugar and fat substitutes which CCC represents, the Council lobbies to prevent bans on any of these products, appealing to the notion that consumers deserve choices. As they put it, "It is important to the consuming public that the widest possible variety of safe low-calorie and other sweeteners be made available for use in the food supply," especially since different sweeteners perform differently in different foods. "A wide variety of low-calorie sweeteners," says the Council, "provides products with improved taste, increased stability, lower manufacturing costs, and ultimately, more choices for the consumer."[4]

But if the group were truly interested in the consumer's well-being, it might heed the warning that animal testing is providing.

Following a 1977 study by Canada's Health Protection Branch, the American FDA concluded, "The findings indicate unequivocally that saccharin causes bladder cancer in rats."[5] However, the Calorie Control Council has worked laboriously to extend the congressional moratorium placed on a saccharin ban, and has succeeded thus far.

In 1976, the FDA decided that "evidence did not demonstrate 'to a reasonable certainty' that cyclamate was safe for human consumption."[6] Four and a half years later, the

government officially banned the product because of the possibility that it might cause cancer or genetic defects. Since 1982, CCC has been campaigning unsuccessfully for cyclamate's reapproval.

James Turner, a consumer attorney and author of *The Chemical Feast: The Nader Report on the Food and Drug Administration*, says that 10 to 50 million Americans have a particular genetic makeup which interacts negatively with aspartame. These people can experience a variety of neurological problems after consuming aspartame, including headaches, dizziness, blindness and brain damage.[7] Aspartame, like saccharin and cyclamate, has also been found to cause cancer in laboratory animals. Nonetheless, CCC supports "continued availability. . .and expanded approvals of aspartame."[8]

And the Council does not stop with these three well-known sweeteners. It also supports the continued availability and expanded approval of the acesulfame-K, a sweetener approved in 1988, and promotes the approval of the new sweeteners alitame and sucralose. It also works to preserve the availability of fat substitutes.[9]

Calorie Control Council[10]

Membership as of 1991

Representative List of Members:

A & W Brands, Inc.
Abbott Laboratories
Ajinomoto U.S.A., Inc.
Archer Daniels Midland Co.
AVEBE America Inc.
Bernard Food Industries, Inc.
Borden, Inc.
Cadbury Schweppes Beverages
The Coca-Cola Company
CPC International Inc.
Dr. Pepper/Seven-UP Company
The Estee Company
FMC Corporation
Gazzoni S.p.A.
Grain Processing Corporation
H & C Industries, Inc.
H.J. Heinz Company
Hermes Sweeteners Ltd.
Hoechst Celanese
Holland Sweetener Company
Howard Hall International
Japan Saccharin Industrial Association
Jeil Moolsan Company Inc.
Lonza Inc.
M & B Fruit Juice Products Co.
McNeil Specialty Products Company
Mitsubishi International Corporation
The H.R. Nicholson Company
The NutraSweet Company
Palatinit SuBungsmittel GmbH
Pepsico, Inc.
Pfizer Chemical Division
Planters + LifeSavers Company
PMC Specialties Group
The Red Wing Company, Inc.
H. Reisman Corporation
Roquette Corporation
Royal Crown Cola Co.

San Foo Chemical Co., Ltd.
Sethness Products Company
Shasta Beverages, Inc.
A.E. Staley Manufacturing Co.
SugarLo Company
Sweet 'N Low Division of Cumberland Packaging Corporation
Tate & Lyle Speciality Sweeteners
Thompson Kitchens, Inc.
Tosoh USA, Inc.
Towa Chemical Co., Ltd.
Xyrofin (UK) Ltd.

Notes

1. Telephone call to Russell Lemieux of Calorie Control Council, made by Erika Shaker, July 22 1991.

2. CCC fact sheet.

3. Calorie Control Council representative list of members. Provided by CCC, on file with the authors.

4. CCC information sheet, "Rationale in Support of a Variety of Sweeteners."

5. "The Sweet and Sour History of Saccharin, Cyclamate, Aspartame," by Chris Lecos. *FDA Consumer*, September, 1981.

6. Ibid.

7. Telephone interview with James Turner, July 25, 1991.

8. CCC fact sheet.

9. Ibid.

10. Calorie Control Council representative list of members. Provided by CCC, on file with the authors.

CITIZENS AGAINST GOVERNMENT WASTE

"On the surface, Grace's personal campaign and the purpose of the commission he so tightly controlled, is to curb the excess of a bloated, inefficient, federal bureaucracy. But Grace sees waste through a corporate prism -- cutting waste is intimately linked with the idea of altering the role of the government and freeing business from regulation. He is using the commission and his follow-up promotional activities [through CAGW] as a vehicle to turn back the clock to an era when the government did not protect the public from the total poverty of pollution, workplace abuses or defective consumer products."[1]

--Peter Ajemian and Joan Claybrook in *Deceiving the Public: The Story Behind J. Peter Grace and His Campaign*

"Remember, we are the only nation in the world where the 'poor' a) suffer from obesity b) drive to the unemployment office c) watch color TV while complaining about their plight."[2]

-- J. Peter Grace, in a July 7, 1983 memo to members of the Grace Commission

"He's already $12,000 in debt," claims a recent newspaper ad depicting a crying newborn baby. According to the organization which sponsors the ad, "The ad drives home the point that every American is saddled with a $12,000 share of the [$3 trillion] national debt."[3]

Citizens Against Government Waste (CAGW), the sponsor of that ad and of the huge public relations campaign of which it is a part, describes itself as a public interest organization dedicated to curbing the wasteful practices of the federal government in an effort to save taxpayers' money without cutting essential government programs.[4] CAGW also states that it is "dedicated to educating the American people about the work of the Grace Commission,"[5] and that its work represents a "continuing push for implementation of Grace Commission ideas."[6] The group even describes itself as "an outgrowth of the famous. . . Commission."[7]

This "famous Commission," officially known as the President's Private Sector Survey on Cost Control (PPSSCC), was a committee appointed by President Reagan in 1982 to look into ways of cutting government waste. It was led by J. Peter Grace, chairman of the board of W.R. Grace and Company," a $6.7 billion dollar a year conglomerate."[8]

The Grace Commission submitted a report to the president in January, 1984, which contained 2,478 recommendations which would supposedly save $424 billion over a three year period.

After an extensive six-month investigation into Peter Grace and his activities, Public Citizen concluded that "both the Grace Commission and Citizens Against Waste [which later evolved into CAGW] represent the narrow interests of the country's wealthiest corporations intent on redirecting federal policies."[9] Authors Peter Ajemian and Joan Claybrook point out that while the Grace Commission was originally meant to find ways to cut costs in the management of government, 75 percent of the recommendations the Commission made required legislative policy changes. All of these changes had the hidden goal of weakening

the power of the federal government over the interests of private corporations and would have "profound implications for the health and well-being of most Americans."[10]

In general, the Grace Commission's "implicit philosophy" was that "if American corporations were free of various federally-mandated environmental, health and safety regulations, they could operate in a more cost effective and publicly responsible manner."[11]

By 1985, W.R. Grace and Company had been investigated concerning thirty different possible violations of environmental and workplace health and safety regulations. Among the alleged most flagrant violations were its mining and marketing of asbestos-containing vermiculite ore (used in fertilizers, insulation and kitty litter) without warnings to miners or consumers, despite the company's knowledge of the dangers of the substance; its burying of radioactive waste in Wayne, New Jersey, contaminating a 6.5 acre area; and its disposal of toxic waste in the water supply in Woburn, Massachusetts. Despite these activities, the Grace Commission recommended that the government could save money from deregulation in these areas.

At the same time, the Grace Commission, and CAGW after it, ignored certain fairly obvious areas in which federal costs could be cut. No recommendations for altering tax policies which give unnecessary breaks to corporate America were made by the Grace Commission, and CAGW still ignores this today. Ajemian and Claybrook attribute this to the fact that Grace's own company, as well as the corporations represented by the majority of the other members of the Grace Commission board, benefit greatly from these government wastes. As proof, the authors point out that between 1981 and 1983, W.R. Grace and Co. did not pay any net federal income tax on its $684 million of profits.

CAGW's hypocrisy in this area is particularly apparent with respect to civil servant retirement benefits. The Grace Commission charged that government workers who retire are grossly overcompensated, especially in comparison to the private sector. CAGW actively pursues this area of cost cutting possibility, since the government has done little to change the pension plans. In its 1990 documentary, CAGW interviewed retired Senator Hastings Keith, who still makes $90,000 a year. Keith stated that if the damage caused by the 1988 savings and loan crisis were considered a nuclear disaster, the amount wasted in excess civil servant retirement plans should be considered a "thermo-nuclear" disaster.[12] However, a look at the retirement plans at W.R. Grace and Co. reveals a serious hypocrisy on the part of CAGW. A 1984 report by the General Accounting Office revealed that "the Grace retirement program. . . offer[ed] potentially greater benefits" for two out of three workers than did the Civil Service Retirement Plan.[13] And in 1984, Grace himself earned a pension of $357,000 on a salary of almost $630,000 plus a 247,000 bonus.[14]

Citizens Against Government Waste's basic goal is the implementation of all Grace Commission recommendations. However, Grace has done his best to make the organization look like an un-biased, non-partisan, grass-roots, public interest group. He joined with Jack Anderson, a well-known syndicated columnist, in an effort to broaden the appeal of the group.[15] With the help of Anderson, and the recent efforts of newly-appointed president Alan L. Keyes, CAGW has bolstered its membership list to 400,000 individuals.

Nevertheless, the organization still receives large donations -- enough for an $8 million budget -- from such corporate and business interests as Exxon, Chase Manhattan, IBM, Ingersoll-Rand, Eastman Kodak, Manufacturers Hanover, Metropolitan Life, Mobil Oil,